

Kyrgyzstan

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Kyrgyzstan received a downward trend arrow due to a government crackdown on freedom of assembly and the ability of nongovernmental organizations to operate.

The year 2014 witnessed a troubling downward trend in Kyrgyzstan as the government continued to fail to consolidate greater political and civil rights many had hoped would follow the 2010 constitutional reforms and change of government. In March 2014, the ruling coalition collapsed, leading to the resignation of the government amid corruption allegations and failure to negotiate a new agreement with the country's largest foreign investor. As Kyrgyzstan prepared for accession to the Russia-led Eurasian Economic Union, it ceded control of its state-run natural gas utility to Russia's Gazprom, prompting Uzbekistan to terminate agreements on transit of natural gas to southern Kyrgyzstan and leaving the region without gas or heat for most of the year. Throughout 2014, nationalist groups stepped up harassment against minority populations perceived to be favored by Western countries, as well as against European and U.S. organizations, leading to threats, intimidation, and legal pressure. New legislation copying Russia's 2013 ban on "homosexual propaganda" passed in its first reading in October 2014. In December, President Almazbek Atambayev voiced support for a bill closely resembling Russia's "foreign agents" law.

Political Rights and Civil Liberties:

Political Rights: 14 / 40 [Key]

A. Electoral Process: 6 / 12

Constitutional changes adopted in 2010 expanded the unicameral parliament from 90 to 120 deputies, with no party allowed to hold more than 65 seats. Parliamentary elections are to be held every five years. The president, who shares executive power with the prime minister, serves a single six-year term with no possibility of reelection and has the power to veto legislation.

Organization for Security and Co-operation in Europe (OSCE) observers deemed the 2010 parliamentary elections a significant improvement over a deeply flawed 2007 vote. The nationalist Ata-Jurt party led with 28 of 120 seats, followed by the Social Democratic Party of Kyrgyzstan (SDPK) with 26, Ar-Namys with 25, Respublika with 23, and Ata-Meken with 18. Atambayev of the SDPK became prime minister.

OSCE observers judged the 2011 presidential poll as free and competitive, though marred by widespread problems with voter lists and numerous faults in the tabulation process. Atambayev defeated 15 other candidates and took 63 percent of the vote. In December 2012, a new governing coalition formed, but it collapsed in August 2013 after the prime minister and Atambayev clashed over their respective roles under the new constitution. The

disagreement revealed legal issues with the semipresidential/parliamentary system that have yet to be resolved.

Another coalition formed in September 2013 and collapsed after only six months in power. The SDPK, Ata-Meken, and Ar-Namys formed an administration in April 2014 under the leadership of Joomart Otorbayev of Ata-Meken. The latest government adopted a legislative agenda mostly geared toward integration with Russia-led initiatives.

B. Political Pluralism and Participation: 6 / 16

Kyrgyzstani citizens have the freedom to organize their own political parties and groupings, especially at the local level, but thresholds for electoral support in every region prevent locally organized groups from participating in national politics. For example, the Uluttar Birimdigi party, which won 2012 city council elections in Osh, has no national representation and is unlikely to achieve it due to the regionally divided political landscape. Political parties remain primarily the extension of a single strong personality, rather than ideological organizations with political platforms they seek to implement.

The 2010 constitutional reforms aimed to ensure political pluralism and prevent the reemergence of an authoritarian, superpresidential system. Since 2012, however, observers have noted signs of President Atambayev reclaiming powers that had been given to the prime minister's office under the new constitutional rules and using the executive branch to target political enemies. Opposition members and outside observers have accused the SDPK of using centralized resources to determine electoral and judicial outcomes, and opposition parties often react with protests that sometimes turn violent. Although the presidential administration has used party mechanisms to control government appointments, the parliament itself does function separately from the executive, and the SDPK does not have a majority.

In February 2014, a group of both northern and southern politicians announced the formation of the United National Opposition Movement (NOD). The movement—headed by parliamentarian Ravshan Jeenbekov and including jailed former legislator and Ata-Jurt leader Kamchybek Tashiev and former Osh mayor Melis Myrzakmatov with his Uluttar Birimdigi party—claims that Atambayev has illegally undermined parliamentary authority and calls for a reinstatement of the current constitution and a full transition to a parliamentary government. In October, former rivals Ata-Jurt and Respublika merged into a united party in preparation for the 2015 parliamentary elections.

Although the political opposition successfully held peaceful rallies through most of the year, members frequently complained of interference and pressure from local and national authorities and from counterprotesters. In September, an NOD meeting in Osh featuring the authors of the movement's reform program was interrupted by a group of women and youth, who pelted the presenters with eggs and reportedly harassed them until they left the city. NOD members alleged that the SDPK and the State Committee of National Security (GKNB) were responsible for the harassment.

C. Functioning of Government: 4 / 12

Corruption is pervasive in Kyrgyz society, and despite many rounds of constitutional and statutory changes, Kyrgyzstan has been trapped in a cycle of rotation of predatory political elites moving from opposition to power and using government resources to reward clients and punish opponents. The nepotistic practices of former president Kurmanbek Bakiyev, whose sons and brothers held powerful positions in business and government, were a significant source of popular dissatisfaction prior to his ouster amid antigovernment protests in 2010. The subsequent government charged some members of the Bakiyev regime with corruption, but the results in the largely unreformed courts have been inconclusive.

A new anticorruption office within the GKNB was formed in 2012. The office has primarily been used to target the administration's political enemies in the parliament and city governments.

In June 2014, Kamchy Kolbayev, wanted by the U.S. Treasury Department as a global drug kingpin and widely believed to be the head of operations in Kyrgyzstan of the largest Moscow-based organized crime syndicate, was released from prison with little explanation before the conclusion of a five-year sentence he received in 2013. Long entwined in Kyrgyzstani politics, Kolbayev had also been released early from a 25-year sentence and is rumored to have significant influence in the country's penitentiary system.

Kyrgyzstan was ranked 136 out of 177 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Discretionary Political Rights Question B: -2 / 0

Southern Kyrgyzstan has yet to fully recover from the ethnic upheaval of June 2010, which included numerous documented instances of government involvement or connivance in ethnically motivated violence against ethnic Uzbeks in the region with the aim of tipping the political and economic balance in favor of the Kyrgyz elite. Though some initial steps have been made to restore Uzbek-language media, the political economy of the South remains deeply altered.

Civil Liberties: 24 / 60 (-1)

D. Freedom of Expression and Belief: 9 / 16

The media landscape remained bifurcated along ethnic lines in 2014, with improved conditions for Kyrgyz-language media since 2010 and continuing challenges for both Uzbek-language outlets and critical Russian-language media. Independent Uzbek-language media virtually ceased to exist in southern Kyrgyzstan after the 2010 ethnic violence, as several

Uzbek television and radio outlets were closed down. A small number of outlets have opened since then, but Uzbek media representation remains a small fraction of what it was before the conflict, and staff for remaining publications continued to be persecuted. Prosecutions for inciting hatred have focused exclusively on minority writers despite the prevalence of openly racist and anti-Semitic articles in Kyrgyz-language media. In April 2014, the parliament passed a law criminalizing “false information relating to a crime or offense” in the media with penalties of up to five years in prison, which nullifies the 2011 decriminalization of defamation, according to international monitors. In August, police in Osh—the site of the 2010 upheaval and of ongoing discrimination against ethnic Uzbeks—sued independent ethnic Uzbek journalist Shohruh Saipov for \$20,000, claiming he committed libel in an article on routine police discrimination against religiously observant ethnic Uzbeks. In December, one of the most popular independent news portals in the country, Kloop.kg, was briefly shut down at the request of the State Communications Agency after the site reported on Kazakh recruits to the Islamic State militant group. The outlet’s editors protested that the order had no legal basis and that it equated reporting on terrorism with material support for terrorist groups. Two days later, the agency conceded it had no legal right to make the request without a court order, and Kloop.kg resumed operations.

The government permits a broad range of religious practices, but all religious organizations must register with the authorities, a process that is often cumbersome and arbitrary. While the 2010 constitution liberalized key elements of the Bakiyev era, religious practice is still governed by an unreformed 2009 Law on Religion, which deems all unregistered groups illegal and bans proselytizing, private religious education, and the wearing of headscarves in schools. The government monitors and restricts Islamist groups that it regards as a threat to national security, particularly Hizb ut-Tahrir—a nonviolent international movement that calls for the creation of a caliphate and also functions in Kyrgyzstan as a religious mutual-assistance society in rural areas with scarce state services. While private discussion is generally free, state and local authorities regularly raid private homes where they believe Hizb ut-Tahrir members or other religious minorities, including Jehovah’s Witnesses, are meeting to discuss their beliefs.

The government does not formally restrict academic freedom.

E. Associational and Organizational Rights: 4 / 12 (–1)

Tight official restrictions on freedom of assembly have not been altered since the Bakiyev era, but enforcement has been eased considerably in practice. Small protests and civil disobedience demonstrations, such as road blocking, take place regularly. In March, a Bishkek court temporarily banned gatherings in the city’s Ala Too Square, citing concerns about public disorder and instability. The ban was lifted in April after public outcry and an appeal from the prosecutor general. Domestic and international watchdogs remain concerned about the weak implementation of Kyrgyzstan’s 2012 law on peaceful assembly.

Nongovernmental organizations (NGOs) participate actively in civic and political life, and public advisory councils were established in the parliament and most ministries in 2011,

permitting improved monitoring and advocacy by NGOs. However, rising nationalism continues to affect both ethnic Kyrgyz and ethnic Uzbek NGO activists. Human rights workers who support Uzbek abuse victims face ongoing threats, harassment, and physical attacks. Throughout 2014, as nationalist groups increasingly adopted the anti-Western themes of Russian state media and far-right groups, harassment increased against domestic groups perceived to be favored by Western countries and against European and U.S. organizations, leading to threats and intimidation against multiple NGOs. In March, Kyrgyzstan's leading LGBT (lesbian, gay, bisexual, and transgender) organization reported that their staff were receiving threats to their lives and safety. In September, the Osh GKNB opened a criminal investigation into USAID, Freedom House, and the local Human Rights Advocacy Center on charges of inciting interethnic hatred through a survey conducted on ethnic discrimination in southern Kyrgyzstan. Although the evidence did not support the accusations, the GKNB prepared formal charges against two employees of the Human Rights Advocacy Center in November and paralyzed the organization's operations by confiscating its computers and documents. The prosecutor general's office closed the case without bringing it to trial after determining that the employees' actions did not meet the definition of the alleged crime.

In October, nationalist organizations and sympathetic legislators introduced a bill emulating the Russian "foreign agents" law used to close dozens of human and civil rights organizations; the law requires organizations that receive foreign funding to register as foreign agents, making them subject to new operational restrictions. President Atambayev abruptly reversed his position in December and expressed public support for the measure, stating that some nonprofit organizations are "hidden political forces" attempting to covertly influence the upcoming elections on behalf of foreign sponsors.

Kyrgyzstani law provides for the formation of trade unions, which are generally able to operate without obstruction. However, strikes are prohibited in many sectors. Legal enforcement of union rights is weak, and employers do not always respect collective bargaining agreements.

F. Rule of Law: 4 / 16

The judiciary is not independent and remains dominated by the executive branch. Corruption among judges is widespread. Defendants' rights, including the presumption of innocence, are not always respected, and there are credible reports of torture during arrest and interrogation.

The long-running trials of the Bakiyev family and their accomplices, including for the alleged killing of 86 demonstrators in April 2010, have been marred by numerous procedural violations and threats against lawyers in the courtroom.

The widespread and extensively documented violence against the Uzbek community in southern Kyrgyzstan in 2010 cast a harsh light on the plight of ethnic minorities. Uzbeks, who make up nearly half of the population in Osh, had long demanded more political and

cultural rights, including greater representation in government, more Uzbek-language schools, and official status for the Uzbek language. A January 2014 report indicated the rate at which ethnic Uzbeks are finishing secondary education in southern Kyrgyzstan has dropped significantly; students believe that they are excluded from opportunities and see little value in finishing their education. In March, the national education ministry cancelled the Uzbek language version of the mandatory secondary education examination. Although students retain the right to receive education in their native language, students from Uzbek-language schools will no longer be tested in the language in which they received their education.

Same-sex sexual activity is not illegal, but routine discrimination and abuse of LGBT individuals at the hands of police, including intimidation and sexual violence, are pervasive. In October, new legislation copying Russia's ban on "homosexual propaganda" passed in its first reading; if enacted, it would open the path for even broader legal persecution of already marginalized members of the population.

G. Personal Autonomy and Individual Rights: 7 / 16

The government generally respects the right of unrestricted travel to and from Kyrgyzstan. However, barriers to internal migration include a requirement that citizens obtain permits to work and settle in particular areas of the country.

Personal connections, corruption, organized crime, and widespread poverty limit business competition and equality of opportunity. Companies that had belonged to the Bakiyev family were nationalized in 2010 pending a new process of privatization. That year's ethnic violence affected property rights in the South, as many businesses, mainly owned by ethnic Uzbeks, were destroyed or seized.

Despite achieving notable leadership positions, women remain underrepresented in high levels of government. Cultural traditions and apathy among law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. The trafficking of women and girls into forced prostitution abroad is a serious problem, and some victims report that the authorities are involved in trafficking. The practice of bride abduction persists despite the strengthening of legal penalties in 2013, and few perpetrators are prosecuted. Throughout 2014, the government was developing a new law on protection from domestic violence.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology